# United States Bankruptcy Court Eastern District of Wisconsin

In re	Mark McKinney In re Kimberly McKinney			09-37423					
		Debtor(s)	Chapter	13					
	AMENDED CHAPTER 13 PLAN								
	NOT	ICES							
Bankrı	E TO DEBTORS: This plan is the model plan as it uptcy Court for the Eastern District of Wisconsin o TERED IN ANY WAY OTHER THAN WITH THE SPE	n the date this plan is	filed. THI	S FORM PLAN MAY NOT					
$\boxtimes$ A	A check in this box indicates that the plan contains	special provisions se	t out in Se	ection 10 below.					
and dis	E TO CREDITORS: YOUR RIGHTS WILL BE AFFER class it with your attorney. If you oppose any provision action will be in a separate notice. Confirmation of this an the full amount of your claim and/or a lesser interes	of this plan you must fil Plan by the Court may	e a written	objection. The time to file					
	ust file a proof of claim in order to be paid under the to the availability of funds.	nis Plan. Payments di	stributed b	by the Trustee are					
	THE	PL.AN							
Debtor	or Debtors (hereinafter "Debtor") propose this Chapter	13 Plan:							
1. Sul	bmission of Income.								
	tor's annual income is above the median for the St tor's annual income is below the median for the St								
	(A). Debtor submits all or such portion of future earn (hereinafter "Trustee") as is necessary for the execut		ome to the	Chapter 13 Trustee					
	(B). Tax Refunds (Check One):								
	<ul><li>☑ Debtor is required to turn over to the Trustee 50% during the term of the plan.</li><li>☑ Debtor will retain any net federal and state tax refu</li></ul>								
2. per mo The du full.	er month to Trustee by $\boxtimes$ Periodic Payroll Deduction(s) or by $\square$ Direct Payment(s) for the period of $60$ months. he duration of the plan may be less if all allowed claims in every class, other than long-term claims, are paid in								

				ipon Debtor's best estimate and belief		
	may file a proof of claim in a d he following applies in this Pla		ections to claims may	be filed before or after confirmation.		
c	•		ATE WHETHER TH	E PLAN OR THE PROOF OF CLAIM		
			Plan Controls	Proof of Claim Controls		
	A. Amount of Debt			$\boxtimes$		
	3. Amount of Arreara	age		$\boxtimes$		
(	C. Replacement Valu	ie - Collateral	$\boxtimes$			
1	D. Interest Rate - Sec	cured Claims	$\boxtimes$			
				I WILL MEAN THAT A PROPERLY NG SUB-PARAGRAPH OF THE PLAN.		
	nistrative Claims. Trustee will below, unless the holder of sucl			and expenses pursuant to 507(a)(2) as ent treatment of its claim.		
	A). Trustee's Fees. Trustee so nited States Trustee, not to except the states.			the percentage of which is fixed by the n.		
ai pl	(B). Debtor's Attorney's Fees. The total attorney fee as of the date of filing the petition is \$\frac{3,000.00}{2,000.00}\$. The amount of \$\frac{1,056.00}{2}\$ was paid prior to the filing of the case. The balance of \$\frac{1,944.00}{2}\$ will be paid through the plan. Pursuant to 507(a)(2) and 1326(b)(1), any tax refund submission received by the trustee will first be used to pay any balance of Debtor's Attorney's Fees.					
		Total Adr	ninistrative Claims:	<u>\$7,097.32</u>		
5. Priori	ty Claims.					
(4	A). Domestic Support Obliga	ations (DSO).				
	☑ If checked, Debtor doe assigned, owed or recover			e claims or DSO arrearage claims		
	☐ If checked, Debtor has anticipated DSO arrearage claims or DSO arrearage claims assigned, owed or recoverable by a governmental unit. Unless otherwise specified in this Plan, priority claims under 11 U.S.C. 507(a)(1) will be paid in full pursuant to 11 U.S.C. 1322(a)(2). A DSO assigned to a governmental unit might not be paid in full. 11 U.S.C. 507(a)(1)(B) and 1322(a)(2).					
	Creditor Name and Address	(b) Estima	ted Arrearage Claim	(c) Total Paid Through Plan		
-NONE- Totals			\$0.00	\$0.00		
(B	). Other Priority Claims (e.g	,, <b>tax claims).</b> Thes		pe paid in full through the plan.		
(a) Credite	or			(b) Estimated claim		
-NONE- Totals:				\$0.00		
. Julia				ψ0.00		
To	otal Priority Claims to be paid	through plan: _\$0	.00			

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- 6. Secured Claims. The holder of a secured claim shall retain the lien securing such claim until the earlier of the payment of the underlying debt determined under non-bankruptcy law or discharge under Section 1328. The value, as of the effective date of the plan, of property to be distributed under the plan on account of such claim is not less than the allowed amount of the claim.
  - (A). Claims Secured by Personal Property.

	If checked, The Debtor does not have claims secured by personal property which debtor intends
to i	retain. Skip to 7(B).

- ☐ If checked, The Debtor has claims secured by personal property which debtor intends to retain.
- (i). <u>Adequate protection payments</u>. Creditor must file a proof of claim to receive adequate protection payments. Upon confirmation the treatment of secured claims will be governed by Paragraph (ii) below. The Trustee shall make the following monthly adequate protection payments to creditors pursuant to 1326(a)(1)(C):

(a) Creditor	(b) Collateral	(c) Monthly Adequate protection
		payment amount
Capital One Auto Finance	2004 Chevrolet Trailblazer	\$50.00
Get it Now	Washer/Bedroom Set/Furniture	\$50.00
Pay Day Loan Store	1997 Dodge Ram Pickup	\$50.00
	Total monthly adequate	
	protection payments:	\$150.00

- (ii). <u>Post confirmation payments.</u> Post-confirmation payments to creditors holding claims secured by personal property shall be paid as set forth in subparagraphs (a) and (b).
  - (a). Secured Claims Full Payment of Debt Required.

If checked, the Deb	otor has no secured clair	ns which require fu	ull payment of the un	derlying
bt. Skip to (b).			-	

If checked, the Debtor has secured claims which require full payment of the underlying debt. Claims listed in this subsection consist of debts (1) secured by a purchase money security interest in a vehicle; (2) which debt was incurred within 910 days of filing the bankruptcy petition; and (3) which vehicle is for the personal use of the debtor; OR, if the collateral for the debt is any other thing of value, the debt was incurred within 1 year of filing. See 1325(a)(5). After confirmation the Trustee will pay the monthly payment in column (f).

(a) Creditor	(b) Collateral	(c) Purchase Date	(d) Claim Amount	(e) Interest Rate	(f) Estimated Monthly Payment	(g) Estimated Total Paid Through Plan
Capital One Auto Finance	2004 Chevrolet Trailblazer		\$16,849.00	%4.75	\$Prorata	\$19,087.86
TOTALS			\$16,849.00		\$prorata payments	\$19,087.86

(b). Secured Claims - Replacement Value.
If checked, the Debtor has no secured claims which may be reduced to replacement value. Skip to (B).
If checked, the Debtor has secured claims which may be reduced to replacement value. The amount of the debt or the replacement value assigned to the property is in column (d).

(a) Creditor	(b) Collateral	(c) Purchase Date	(d) Replacement Value/Debt		(f)Estimated Monthly Payment	
Get it Now	Washer/Bedroom Set/Furniture		\$1,690.00	%4.75	\$Prorata	\$1,914.55
Pay Day Loan Store	1997 Dodge Ram Pickup		\$3,225.00	%0.00	\$Prorata	\$1,223.00
TOTALS			\$4,915.00		\$prorata payments	\$3,137.55

- (B). Claims Secured by Real Property Which Debtor Intends to Retain.
  - (i) If checked, the Debtor does not have any claims secured by real property that Debtor intends to retain. Skip to (C).

If checked, the Debtor has claims secured by Real Property that debtor intends to retain. Debtor will make all post-petition mortgage payments directly to each mortgage creditor as those payments ordinarily come due. These regular monthly mortgage payments, which may be adjusted up or down as provided for under the loan documents, are due beginning the first due date after the case is filed and continuing each month thereafter, unless this Plan provides otherwise.

(a) Creditor	(b) Property description
Universal Mtg Corp/wi	8319 17th Avenue, Kenosha, WI 53143

(ii)

If checked, the Debtor has an arrearage claim secured by Real Property that the Debtor will cure through the Plan. Trustee may pay each allowed arrearage claim the estimated monthly payment indicated in column (d) until paid in full.

(a) Creditor	(b) Property	(c) Estimated Arrearage Claim	
Universal Mtg Corp/wi	8319 17th Avenue, Kenosha, WI 53143	\$26,818.45	\$26,818.45
TOTALS		\$26,818.45	\$26,818.45

#### Total Secured Claims to Be Paid Through the Plan: \$49,043.86

**(C).** Surrender of Collateral. This Plan shall serve as notice to creditor(s) of Debtor's intent to surrender the following collateral. Any secured claim filed by a secured lien holder whose collateral is surrendered at or before confirmation will have their secured claim treated as satisfied in full by the surrender of the collateral.

(a) Creditor	(b) Collateral to be surrendered
-NONE-	

7.	Unsecured Claims.					
	(A). Debtor estimates that the total of general unsecured debt not separately classified in paragraph (b) below is \$ 93,542.42 . After all other classes have been paid, Trustee will pay to the creditors with allowed general unsecured claims a pro rata share of \$ 547.70 or 1 %, whichever is greater.					
	(B). Special classe <u>None</u>	es of unsecured claims:				
	Total Unsec	cured Claims to Be Paid Throu	ıgh the Plan: <u>\$547.70</u>			
8.	<b>Executory Contract</b>	s and Unexpired Leases.				
	☑ If checked.	, the Debtor does not have any e	executory contracts and/or une	xpired leases.		
	If checked, the Debtor has executory contracts and/or unexpired leases. The following executory contracts and unexpired leases are assumed, and payments due after filing of the case will be paid directly by Debtor. Debtor proposes to cure any default by paying the arrearage on the assumed leases or contract in the amounts projected in column (d) at the same time that payments are made to secured creditors after confirmation.					
	(a) Creditor	(b) Nature of lease or executory contract	(c) Estimated arrearage claim	(d) Estimated monthly payment		
-NC	ONE-		Totals:			
9.	Property of the Esta  ☐ Upon Confirm ☐ Upon Dischar	rge	ted upon confirmation of the plar			
forth		withstanding anything to the cont will not be effective unless the				
		ents will increase to <u>\$ 0.00</u> upor	_	_		

Debtor shall provide to the trustee 1/2 of their annual tax refunds for the first 36 months of their plan. Any refunds shall serve first to reduce the term of their plan to not less than 36 months, then to pay an increased dividend to allowed

Section 4(B): Following Confirmation of the plan, Attorney fees shall be paid concurrently with Secured Creditors on a 50/50 basis from available funds as determined by the Trustee.

unsecured cr

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- 11. Direct Payment by Debtor. Secured creditors and lessors to be paid directly by the Debtor may continue to mail to Debtor the customary monthly notices or coupons or statements notwithstanding the automatic stay.
- 12. Modification. Debtor may file a pre-confirmation modification of this plan that is not materially adverse to creditors without providing notice to creditors if the Debtor certifies that said modification is not materially adverse to said creditors.

Signature /s/ Mark McKinney Date March 15, 2010 Mark McKinney Debtor Date March 15, 2010 /s/ Kimberly McKinney Signature Kimberly McKinney Joint Debtor

Attorney /s/ Please select an attorney.

Please select an attorney.

State Bar No.

Firm Name

Landry Law Offices, LLC

1920 N. Farwell Avenue, Unit 209 Firm Address

Milwaukee, WI 53202

Phone

262-671-0622 888-391-3395

Fax E-mail

info@landrylawoffices.com

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# UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF WISCONSIN

Case No.:

09-37423-jes

Chapter:

Chapter 13

In Re:

Mark A. McKinney Kimberly Elaine McKinney,

Debtors.

### NOTICE OF AMENDMENT TO CHAPTER 13 PLAN

**PLEASE TAKE NOTICE** that the above named debtors, Mark & Kimberly McKinney, by their attorney, Landry Law Offices, LLC, have filed papers to modify their Plan prior to confirmation.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to allow this amendment, or if you want the court to consider your views regarding this amendment, then on or before **21 days** you or your attorney must:

File a written response explaining your position and request for a hearing at:

Clerk, U.S. Bankruptcy Court 517 East Wisconsin Ave., Ste. 126 Milwaukee, Wisconsin 53202

If you mail your request or response, you must mail it early enough so the court will **receive** it on or before **21 days** of the date of this notice.

You must also mail a copy to:

Attorney Ryan M. Landry Landry Law Offices, LLC 1920 N. Farwell Avenue, #209 Milwaukee, WI 53202 Mary B. Grossman Chapter 13 Trustee 740 N. Plankinton Ave., #400 Milwaukee, WI 53203

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought and may enter an order granting said relief.

Dated this 15th day of March, 2010

LANDRY LAW OFFICES, LLC

**DRAFTED BY:** 

Attorney Ryan M. Landry Landry Law Offrices 1920 N. Farwell Ave., #209 Milwaukee, WI 53202 (262) 705-5473 info@landrylawoffices.com /s/ Ryan M. Landry

Ryan M. Landry SBN#1046314

## UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF WISCONSIN

In Re:

Chapter 13

Mark A. McKinney Kimberly Elaine McKinney,

Case No. 09-37423-jes

Debtors.

#### CERTIFICATE OF SERVICE

The undersigned, Ryan M. Landry, attorney for the Debtors identified herein, does certify that a copy of this certificate of service and the attached Notice of Modification of Chapter 13 Plan and Modified Chapter 13 Plan were mailed to the parties mentioned below at their respective addresses, postage prepaid, by US Mail in Milwaukee, WI on March 15th, 2010:

Mark & Kimberly McKinney 8319 17th Avenue Kenosha, WI 53143

AAFES/MIL STAR/EXCHANGE c/o Creditors Bankruptcy Service P O Box 740933 Dallas,Tx 75374

Account Recovery Service 3031 N 114th Street Milwaukee, WI 53222

Acct Recovery Services 3031 North 114th Street Milwaukee, WI 53222

ACS College Loan Corp 501 Bleecker Street Utica, NY 13501

American Credit and Collection

PO Box 264 Taylor, PA 18517 Americollect 1851 S Alverno Rd Manitowoc, WI 54220

Army/Airforce Exchange 3911 Walton Walter Dallas, TX 75266

Asset Acceptance P.O. Box 2036 Warren, MI 48090

Assetcare Inc. 5100 Peachtree Industrial Blvd Norcross, GA 30071

Assetcare Inc. PO Box 15380 Wilmington, DE 19850

AT&T PO Box 6416 Carol Stream, IL 60197

AT&T Uverse PO Box 5014 Carol Stream, IL 60197

Attorney William Foshag Gray & Associates LLP 16345 W Glendale Dr New Berlin, WI 53151

Aurora Medical Group P.O. Box 341457 Milwaukee, WI 53234-1457

Capital 1 Bank Attn: C/O TSYS Debt Management PO Box 5155

Capital 1 Bank PO Box 85520 Richmond, VA 23285 Capital One Auto Finance c/o Ascension Capital Group POB 201347 Arlington, TX 76006

Capital One Auto Finance 3901 Dallas Pkwy Plano, TX 75093

Capital One Auto Finance 3901 N Dallas Pkwy Plano, TX 75093

Norcross, GA 30091

CAPITAL ONE BANK USA, BY AMERICAN INFOSOURCE LP AS AGENT PO Box 71083 Charlotte, NC 28272-1083

Cbe Group 131 Towe Park Dr Suite 1 Waterloo, IA 50702

CBSD/Home Depot PO Box 6497 Sioux Falls, SD 57117 Chase Bank C/O Asset Acceptance PO Box 2036 Warren, MI 48090

Check 'n Go 6019 Sheridan Road Kenosha, WI 53143	Check Into Cash 3466 52nd Street Kenosha, WI 53144	Chevron / Texaco Citibank PO Box 5010 Concord, CA 94524	Chevron / Texaco Citibank Attn: Centralized Bankruptcy PO Box 20507 Kansas City, MO 64195
Cingular PO Box 6416 Carol Stream, IL 60197	Citi Corp Credit Services Attn: Centralized Bankruptcy PO Box 20507 Kansas City, MO 64195	Citi Corp Credit Services 701 East 60th Stre Sioux Falls, SD 57104	Citi/stdnt Ln Rsrc Cnt 99 Garnsey Rd Pittsford, NY 14534
Citi/Student Loan Rsrc Cnt 99 Garnsey Rd Pittsford, NY 14534	Citibank N A 99 Garnsey Rd Pittsford, NY 14534	Citibank NA as trustee for The Student Loan Corp. California Student Aid Commission Accounts Receivable Po Box 419041 Rancho Cordova CA 95741- 9041	Citibank USA NA 8875 Aero Drive Suite 200 San Diego, CA 92123
Collect Association PO Box 250809 Milwaukee, WI 53225	Consumer Reports Business Affairs Department P.O. Box 5300 Boulder, CO 80322-3000	Cottonwood Financial 1901 Gateway Drive Irving, TX 75038	Cottonwood Financial Wisconsin, LLC d/b/a The Cash Store and/or CashASAP 1901 Gateway Drive Suite 200 Irving, TX 75038
Credit Management 4200 International Pkwy Carrollton, TX 75007	Credit Management Control PO Box 1654 Green Bay, WI 54305	Direct TV PO Box 78626 Phoenix, AZ 85062	Ear, Nose and Throat Clinic 3535 30th Avenue Kenosha, WI 53144
Educators Credit Union PO Box 011040 1400 Newman Road Racine, WI 53408	EMCC Investment Ventures 375 W Cerritos Ave Anaheim, CA 92805	Endocrine Clinic of Kenosha 3535 30th Avenue Suite 101B Kenosha, WI 53144	Ganz Allergy 1515 S. Greenbay Road Racine, WI 53406
GE Money Bank P.O. Box 981400 BLDG B El Paso, TX 79998-1064	GE Money Bank P.O. Box 981462 El Paso, TX 79998-1064	Gemb/chevron Attention: Bankruptcy PO Box 103106 Roswell, GA 30076	Gemb/chevron 4125 Windward Plz Alpharetta, GA 30005
Gemb/qvc PO Box 971402 El Paso, TX 79997	Gemb/QVC Attention: Bankruptcy PO Box 103106 Roswell, GA 30076	Get It Now 3446 52nd Street Kenosha, WI 53144	Get It Now 5700 Tennyson Park Plano, TX 75024
Get It Now, LLC 3434 52nd Street Kenosha, WI 53144	Home Depot P.O. Box 105981 Atlanta, GA 30353	Hsbc Best Buy Attn: Bankruptcy PO Box 6985 Bridge Water, NJ 08807	Hsbc Best Buy PO Box 15521 Wilmington, DE 19805
IHC Kenosha Radiology PO Box 3261 Milwaukee, WI 53201	Infinity Health Care Physicians, SC PO Box 3261 Milwaukee, WI 53201	Judith Thompson 6530 Sheridan Road Kenosha, WI 53143	Kenosha County, Clerk of Circuit Court Courthouse 912 56th St. Kenosha, WI 53140-3747

Kenosha Emergency Physicians PO Box 3261 Milwaukee, WI 53201	Kenosha Hospital & Medical Center 6308 Eighth Ave Kenosha, WI 53143	Kenosha Water Utility 4401 Green Bay Road Kenosha, WI 53144	Kent's Tools 265 Evergreen Court Burlington, WI 53105
Kohn Law Firm Atty. Elaine Landis 312 E. Wisconsin Ave Ste 501 Milwaukee, WI 53202	Kohn Law Firm Atty: Kevin T. White 312 E. Wisconsin Ave Ste 501 Milwaukee, WI 53202	Lakeside Pediatrics 6308 8th Avenue Kenosha, WI 53143	Lane Bryant Retail/soa 450 Winks Lane Bensalem, PA 19020
Little Dreamers Daycare 8220 75th Street Kenosha, WI 53142	LOBC 6207 Bartram Village Jacksonville, FL 32258	Medco Health Solutions Inc. PO Box 7247 Philadelphia, PA 19170	Midland Credit Management PO Box 60578 Los Angeles, CA 90060
Midland Credit Management, Inc. 8875 Aero Drive, Suite 200 San Diego, CA 92123	Midland Credit Mgmt. PO Box 939019 San Diego, CA 92193	Midwest Phys. Anes. Services Collection Associates PO BOX 465 Brookfield, WI 53008	Midwest Physician Anesthesia Services 4703 Paysphere Circle Chicago, IL 60674
National Quick Cash #250 6304 22nd Ave Kenosha, WI 53143	NCO - Medclr PO Box 8547 Philadelphia, PA 19101	Nco Financial Systems 507 Prudential Rd Horsham, PA 19044	Nco Financial Systems Po Box 15636 Wilmington, DE 19850
Oliver Adjustment Co 3416 Roosevelt Road Kenosha, WI 53142-3937	Pay Day Loan Store 6001 22nd Avenue Kenosha, WI 53143	Penn Foster School Student Service Center 925 Oak Street Scranton, PA 18515-0001	PLS Loans 6001 22nd Avenue Kenosha, WI 53143
PRA Receivables Management, LLC As Agent of Portfolio Recovery Assocs. PO Box 12914 Norfolk, VA 23541	QC Financial Services, Inc. 6304 22nd Avenue Kenosha, WI 53143	QCard PO Box 530905 Atlanta, GA 30353	Riexinger & Associates LLC PO Box 956188 Duluth, GA 30095
Roundup Funding, LLC MS 550 PO Box 91121 Seattle, WA 98111-9221	Sandra McKinney 2026 Georgia Avenue Racine, WI 53401	Security Check, LLC 3 Easton Oval Suite 210 Columbus, OH 43219	Snap On Tools Credit LLC PO Box 506 Gurnee, IL 60031
SPIRIT OF AMERICA NATIONAL BANK/LANE BRYANT FIRST EXPRESS PO BOX 856132 LOUISVILLE, KY 40285-6132	Sprint P.O. Box 569670 Dallas, TX 75356	Sprint Nextel Correspondence Attn Bankruptcy Dept PO Box 7949 Overland Park KS 66207- 0949	Sprint Nextel Distribution Attn: Bankruptcy Dept P.O. Box 3326 Englewood, CO 80155-3326
The Cash Store 1901 Gateway Drive #200 Irving, TX 75038	The CBE Group 131 Tower Park Suite 100 PO Box 2635 Waterloo, IA 50704	Time Warner 1403 Washington Road Kenosha, WI 53141	United Hospital System 6308 8th Ave. Kenosha, WI 53143

United Occupational Medicine 111 E. Wisconsin Avenue Suite 2000 PO Box 3261 Milwaukee, WI 53202 Universal Mortgage Corporation 12080 North Corporate Parkway Mequon, WI 53092 Universal Mtg Corp/wi 12080 North Corpor Mequon, WI 53092 Victoria's Secret PO Box 182273 Columbus, OH 43218

Victoria's Secret PO Box 182128 Columbus, OH 43218

Walgreens 3805 80th Street Kenosha, WI 53142 Washington Mutual PO Box 660509 Dallas, TX 75266 Washington Mutual Attn: BK Supervisor PO Box 10467 Greenville, SC 29603

WE Energies Attn: Jill 333 West Everett Street, Room A130 Milwaukee, WI 53201 And the following via ECF WI Electric Attention: Bankruptcy PO Box 2046 Milwaukee, WI 53201 Wonderful World of Kid's Castle 4211 Green Bay Road Kenosha, WI 53144 Woodman's 7145 120th Avenue Kenosha, WI 53142

Mary B. Grossman Chapter 13 Trustee 740 N. Plankinton Ave., Ste. 400 Milwaukee, WI 53203 US Trustee Office 517 E. Wisconsin Avenue Milwaukee, WI 53202 Jay J. Pitner Gray & Associates, LLP 16345 West Glendale Drive New Berlin, WI 53151 414-224-8404 Robert J. Hyndman Law Office of Robert J. Hyndman 12521 W. Hampton Avenue P. O. Box 624 Butler, WI 53007

Dated this 15<sup>th</sup> day of March, 2010

By: /s/ Ryan M. Landry

Ryan M. Landry Attorney for the Debtor SBN#1046314